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December 11, 2019

MEMO ENDORSED

The Honorable William H. Pauley III
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: *Commerzbank AG v. U.S. Bank National Association et al.*, No. 16-cv-04569-WHP

Dear Judge Pauley:

The undersigned represent Plaintiff Commerzbank AG (“Commerzbank”) and Defendant Bank of America, N.A. (“BANA”). We are pleased to report that Commerzbank and BANA have agreed to settle all claims between them, and are in the process of preparing final settlement documentation. We respectfully request that BANA’s pending motion for summary judgment (ECF No. 301) be held in abeyance pending submission of dismissal papers, and that BANA and its counsel be excused from attending the summary judgment hearing scheduled for December 19, 2019.

Plaintiff Commerzbank’s claims against Defendant U.S. Bank National Association (“U.S. Bank”) are not part of this settlement, and Commerzbank therefore anticipates that argument on U.S. Bank’s separate summary judgment motion (ECF No. 293) will proceed as scheduled.

We thank the Court for its consideration of the foregoing requests.

Respectfully submitted,

/s/ Philip R. Schatz

Philip R. Schatz
Counsel for Plaintiff
Commerzbank AG

Respectfully submitted,

/s/ James C. Rutten

James C. Rutten
Counsel for Defendant
Bank of America, N.A.

cc: All counsel of record (via ECF)

SO ORDERED:

Application granted.


WILLIAM H. PAULEY III
U.S.D.J.